

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR  
Civ. No. B 038975  
(Super. Ct. No. C420153)

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CHURCH OF SCIENTOLOGY OF CALIFORNIA  
and MARY SUE HUBBARD,

Appellants,

-against-

GERALD ARMSTRONG

Defendant.

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BENT CORYDON,

Appellee.

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Appeal from Superior Court of California  
County of Los Angeles  
Judge Bruce R. Geernaert

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DEFENDANT'S REPLY TO APPELLANTS' OPPOSITION  
TO PETITION FOR PERMISSION TO FILE  
RESPONSE AND FOR TIME

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I apologize for the thickness of this book, especially when appellants' opposition is but four pages. I am hoping that the complexity of this matter excuses to some extent my literary burden upon the court.

Forming the bulk of this reply is my declaration of March 15, 1990, which, although not prepared specifically to support this reply, provides many of the facts underlying the issues appellants have raised in their opposition and makes my position and why I am before this court in this manner understandable.

Turning to appellants' reasons why my petition should be denied:

1. It has become apparent to me that sealing the court file in this case has come to be an obstruction of justice. I believe I have a right to not obstruct justice. I do not agree that the sealing of the court file was essential to the settlement.

The validity of the settlement agreement is in question as shown in my March 15 declaration. Appellants have used the agreement to obstruct justice and to attempt to re-write history, including my own history. I therefore have a strong interest in the outcome of this appeal.

2. I did not fire Michael Flynn, my counsel of record in this case. It is my understanding that Mr. Flynn and all the lawyers in his law firm and all the lawyers involved in the litigation against the various Scientology organizations, hereinafter called "the organization," in the Contos & Bunch firm, which also represented me in the underlying case, are barred by agreement with the organization as part of the December 1986 settlement from further representation of anyone involved in litigation against the organization.

Since the settlement, moreover, each of these lawyers has expressed to me in some way an unwillingness to ever become involved again. Mr.

Flynn, the moving spirit in the pre-settlement litigation, has been emphatic on this point. The organization and its lawyers' attacks on Mr. Flynn are legendary; and each of the lawyers who represented me in the underlying case experienced the organization's abusive use of law and threatening conduct.

After the settlement I continued to communicate with lawyers from both Flynn, Sheridan & Tabb and Contos & Bunch as circumstances demanded. I consider all of these lawyers among my closest and most trusted friends, and I consider them my lawyers. But for Scientology-related matters they have not represented me since the settlement.

Legal representation was not an issue, however, until October 1989 when I again became intensely involved with the organization as my declaration shows. At that time both Mr. Flynn and I advised Larry Heller, a supervising organization attorney, that Mr. Flynn was not representing me and that I did not have a lawyer for organization matters (see paragraphs 4 and 5 of my declaration).

Over the next few months Flynn, Sheridan & Tabb and Contos & Bunch sent me the various post-settlement documents concerning me which they had received in their offices. On January 18, 1990 I received appellants' opening brief in their appeal No. B 025920 in Division Three. At that point I began to research my rights and responsibilities in that appeal. On January 30 I received appellants' reply brief and response to cross-appeal in this appeal before this court. I have also now received appellants' opening brief, but have not received Bent Corydon's respondent's brief, although I expect to receive it in the next few days.

On February 28 my petition for permission to file a respondent's brief was filed in the appeal in Division Three, and on March 1 my petition was

filed in this appeal. The Division 3 Court granted my petition on March 9 and gave me 60 days from that date to file a response.

At this time I am unable to pay an attorney to help with my immediate organization-related legal matters: the Division Three appeal, this appeal, and an action to clarify the settlement terms. I have an attorney who represents me in other matters, who is already educated in my history and the facts and issues in the appeals and settlement, and who will help me if I can come up with a \$20,000 retainer. I cannot imagine a presently uneducated lawyer doing the work for less so I have not wasted time looking for cheaper legal help. I cannot in any event at the present time afford that either. It is for this reason I am proceeding pro se. If I can raise an adequate retainer I will have an attorney of record in this appeal.

Regarding the document entitled "Response of Gerald Armstrong to Opposition Filed By Real Party in Interest, Bent Corydon," which was filed in this appeal on December 28, 1988, I had thought that whatever Mr. Flynn was going to file was going to be his statement of his position. He had asked me if I would file something for the organization and I had said no (see my declaration, paragraphs 40-42). I believe Mr. Flynn was acting to protect me and William Franks, another client of Mr. Flynn and participant in the settlement, since the organization had threatened to sue us at that time if we did not file a document supporting their position.

The preparation of legal documents, even to achieve the obviously un-lawyer-like product I have placed before this court, is not a simple nor quick task for me. And I have a full-time life in addition to document preparation. 60 days from the date of granting of my petition for the filing of a responsive document is a reasonable request.

3. The reasons I should be relieved from the restrictions of the settlement I have stated in my declaration: a. the organization has itself acted to invalidate the settlement agreement; b. the organization has used the agreement to obstruct justice and violate individuals' civil rights; and c. the restrictions are themselves against public policy.

The reasons I should be specifically excused from any waiver of my right to file a response in this appeal are: a. I was not aware of any such right at the time of the settlement; b. I have an interest in the outcome of this appeal; c. I have evidence which is relevant to this appeal; and d. I would be assisting this court and serving justice by responding.

CONCLUSION

Defendant's petition should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Armstrong', written over a large, loopy flourish.

Gerald Armstrong  
6838 Charing Cross Road  
Berkeley, CA 94705  
(415)849-0929

Dated: March 23, 1990

PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF ALAMEDA         )

I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6838 Charing Cross Road, Berkeley, CA 94705.

On March 24, 1990 I caused to be served the foregoing document described as DEFENDANT'S REPLY TO APPELLANTS' OPPOSITION TO PETITION FOR PERMISSION TO FILE RESPONSE AND FOR TIME TO FILE on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Oakland, California, addressed to the persons and addresses specified on the service list attached.

Executed on MARCH 24, 1990 at Oakland, California.

Bambi Sparks Thippeny

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